THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.12248 of 2006

Dated:20th June, 2006

Between:

Mohd. Anwaruddin.

…..PETITIONER

AND

The Vice Chairman & Managing Director,
A.P.S.R.T.C, Musheerabad,
Hyderabad & another.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.12248 of 2006

ORDER:

Assailing the action of the respondents in not paying the gratuity amount to the petitioner for his out of employment period from 16-4-1981 to 18-6-1986 i.e., from the date of removal to the date of reinstatement as illegal, arbitrary, the present writ petition is filed.

The petitioner was appointed as Conductor in the respondent Corporation and subsequently promoted as Deputy Superintendent (T) in the year 2005 and retired from service on 28-2-2006. The petitioner while working as Conductor in the Corporation was removed from service by proceedings dated 16-4-1981 on the charge of cash and ticket irregularities, which was assailed in I.D.No.46 of 1985 and the labour Court by award dated 07-1-1985, ordered for reinstatement of the petitioner into service without back wages and held him to be entitled to all attendant benefits. Pursuant to the award, the petitioner was reinstated into service on 18-6-1986 and continued till retirement. The grievance of the petitioner is that the respondent-Corporation has not paid him gratuity for the period from 16-4-1981 to 18-6-1986 i.e., from the date of removal to the date of reinstatement.

The learned counsel for the petitioner submits that the issue involved in this Writ Petition is squarely covered by a decision of this Court in ***M.Rama Rao Vs. Asst. Traffic Manager, A.P.S.R.T.C, Hyderabad and another***[1] wherein this Court held that in a case where under Section 11 of the Industrial Disputes Act, 1947, the Labour Court has set aside the order of removal of any employee and directed that the employee be reinstated into service with continuity of

service, the management could not deny the payment of gratuity to the employee on his retirement for the period during which he was out of employment as a result of the illegal order of removal. The learned counsel for the respondents also conceded that present writ petition is covered by the above said judgment and stated that the petitioner is entitled for the relief sought for.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for A.P.S.R.T.C and perused the order of the labour Court and the judgment relied upon by the learned counsel for the petitioner.

The material on record discloses that the petitioner has not made any representation to the respondents bringing forth the fact that he is entitled for the gratuity for out of employment period in the light of the judgment of this Court in ***M.Rama Rao Vs. Asst. Traffic Manager, A.P.S.R.T.C, Hyderabad and another***. However, taking into consideration the facts and circumstances, particularly, when there is no appeal is filed against the award of the Labour Court, I deem it appropriate to dispose of the writ petition with a direction as under:

The respondents are directed to pay the gratuity to the petitioner for the period for which he is out of employment i.e.,
16-4-1981 to 18-6-1986 in the light of the judgment in ***M.Rama Rao Vs. Asst. Traffic Manager, A.P.S.R.T.C, Hyderabad and another.*** No costs.

(N.V. RAMANA, J.)

Date:20th June, 2006.

GRK

[1] 1998 (3) ALD 76